

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 77955

Joseph Edward McGrath

3320 Washington Boulevard Units 1 & 2

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 9, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-2-304; National Standard Plumbing Code (2), 1. Principle 19, proper maintenance and repairs; 2. Adm. 1.8.1, permits required: repeated sewage backup, low water pressure, gas water heater replaced by owner (unlicensed person's) without permits or inspections on residential property known as 3320 Washington Boulevard Units 1 & 2, 21227.

On June 3, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kevin Elko issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 18, 2010 for correction of plumbing problems, constant sewage backup and low water pressure; owner must hire licensed master plumber to investigate plumbing issues and to make repairs. A Correction Notice was issued on May 18, 2010 for violation of plumbing code, permit and inspections required for water heater replacement. This Citation was issued on June 3, 2010.

B. Notes in the file by Inspector Kevin Elko state that his inspection on May 18, 2010 found backed up drains and low water pressure in unit 1 and unit 2 of this residential rental property. His inspection also found a newly installed water heater in unit 2 with no permit or inspections. Notes by the Inspector state that he met with the owner and delivered the correction notices. Inspector Elko met with the owner again on May 21, 2010 and found the drains were flowing but water pressure remained low.

C. The property owner has failed to respond to the county's notices and has not corrected the violations by engaging a licensed plumber to obtain a permit and make necessary repairs. The water pressure must be corrected in this rental property, and the sewage backup must be abated. BCC 35-5-211. The water heater installation must be made by a licensed plumber, with a permit and inspections. BCC 21-15-224, 21-15-301.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by June 28, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 21st day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer